

**United States District Court**

**for the**

## Eastern District of Washington

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

Sep 04, 2018

SEAN F. McAVOY, CLERK

## Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Vernon Jacob Zepp Case Number: 0980 1:14CR02099-RMP-1

Address of Offender: Selah, Washington 98942

Name of Sentencing Judicial Officer: The Honorable Rosanna Malouf Peterson, U. S. District Judge

Date of Original Sentence: June 17, 2015

Original Offense: Felon in Possession of a Firearm, 18 U.S.C. § 922(g)(1)

Original Sentence:	Prison - 37 months; TSR - 36 months	Type of Supervision: Supervised Release
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Asst. U.S. Attorney: Thomas J. Hanlon Date Supervision Commenced: October 25, 2017

Defense Attorney: Alex B. Hernandez, III Date Supervision Expires: October 24, 2020

## PETITIONING THE COURT

To incorporate the violation(s) contained in this petition in future proceedings with the violation(s) previously reported to the Court on 04/02/2018, 05/02/2018, and 07/18/2018.

The probation officer believes that the offender has violated the following condition(s) of supervision:

Violation Number	Nature of Noncompliance
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**Special Condition # 15:** You shall abstain from alcohol and shall submit to testing (including urinalysis and Breathalyzer) as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from this substance.

**Supporting Evidence:** Mr. Zepp is considered to be in violation of his conditions of supervision by consuming alcohol on August 25, 2018 and August 27, 2018.

On October 26, 2017, this officer met with Mr. Zepp upon his release from custody. Mr. Zepp reviewed and signed the judgement and sentence, which outlined the conditions of his term of supervised release.

On July 25, 2018, Mr. Zepp was enrolled in the Smart Start Breathalyzer system. The Breathalyzer machine is a portable device that Mr. Zepp carries with him at all times and submits to testing during scheduled times. When Mr. Zepp submits to testing, the device captures a photograph to ensure it is Mr. Zepp submitting the test. Mr. Zepp was scheduled to submit to four Breathalyzer tests per day.

On August 25, 2018, Mr. Zepp submitted a breathalyzer test at 5:16 p.m., which registered a blood alcohol content (BAC) level of 0.029. At 5:19 p.m., Mr. Zepp submitted a second test which registered a BAC level of 0.023. At 5:22 p.m., he submitted a third test which registered

**Re: Zepp, Vernon Jacob**

**August 31, 2018**

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a BAC level of 0.024. When there is a positive test, the offender is required to perform multiple tests a few minutes apart to show the consistency of alcohol consumption, and not something else like alcohol-based mouth wash which dissipates quickly due to the saliva glands.

On August 27, 2018, Mr. Zepp submitted a breathalyzer test at 6:33 p.m., which registered a BAC level of 0.022. At 6:41 p.m., Mr. Zepp submitted a second test which registered a BAC level of 0.026. At 6:43 p.m., he submitted a third test which registered a BAC level of 0.024. These results are consistent with consumption of alcohol.

On August 30, 2018, this officer contacted Mr. Zepp by telephone to discuss his violation behavior. Mr. Zepp self-admitted to having consumed alcoholic beverages on August 25, 2018. When questioned about consuming alcohol on August 27, 2018, Mr. Zepp denied that he consumed alcohol. Mr. Zepp stated that he had rinsed his mouth with alcohol-based mouth wash. It was explained to him that the BAC did not dissipate quickly enough over several minutes, making his positive test consistent with consumption of alcohol and not mouth wash.

The U.S. Probation Office respectfully recommends the Court to incorporate the violation(s) contained in this petition in future proceedings with the violation(s) previously reported to the Court.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 08/31/2018

s/Arturo Santana

Arturo Santana  
U.S. Probation Officer

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THE COURT ORDERS

- ☐ No Action
- ☐ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☒ The incorporation of the violation(s) contained in this petition with the other violations pending before the Court.
- ☐ Defendant to appear before the Judge assigned to the case.
- ☒ Defendant to appear before the Magistrate Judge.
- ☐ Other



Signature of Judicial Officer

9/4/2018

Date